761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: June 3, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: STEPHEN B. JOHNSON, COMMANDER
CUSTODY DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2316886
Incident:	Non-Hit Shooting
Incident Date:	July 22, 2012
Unit:	Operation Safe Streets Bureau
Suspect:	Unknown
Involved Employees:	Deputy Damian Marquez, #[redacted] Deputy [redacted]
EFRC Date:	May 23, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Stephen Johnson, Bobby Denham, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others, only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Deputies working a gang suppression car heard multiple gunshots in the area of Vermont and 95th Street, Los Angeles. The deputies proceeded south on Vermont Street when they saw a white Jeep Cherokee exit a side street in front of them and travelling at a high rate of speed. Believing this vehicle might be involved with the gunshots heard, the deputies activated their emergency lights to conduct a traffic stop. The vehicle immediately pulled to the side of the road.

As the deputies came to a stop, the suspect vehicle accelerated to the corner, turned the corner, and then immediately stopped. The deputies stopped approximately 45 feet behind the suspect vehicle and as the driver deputy placed the car in park, he saw the left rear passenger exit the suspect vehicle and point a handgun at him. The passenger deputy, fearing for himself and his partner, exited the patrol car and fired several rounds at the suspect. The suspect fell to the ground and the handgun flew out of his hand.

After the armed suspect fell to the ground, a second person exited the suspect vehicle and was held at gunpoint by the deputies. As the second person was being held at gunpoint, the first suspect suddenly jumped up and ran out of view. Both deputies stayed with the remaining occupants of the suspect vehicle and did not pursue the first suspect.

The EFRC determined the force used against the armed suspect was reasonable, necessary, and justified. The EFRC also determined the tactics used were within Department policy.

RECOMMENDATIONS:

The EFRC recommended the unit commander, Captain Robert M. Rifkin, conduct a tactical debriefing with all involved personnel regarding the unique circumstances of this incident. The tactical debriefing is to include the importance of putting out a radio broadcast in a timely fashion regarding conducting a traffic stop on a possible armed suspect/drive-by shooting vehicle, and the importance of shooting in two to three round bursts.

SBJ:JER:jer

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IAB # SH2316886

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 07-22-12	Bureau/Station/Facility: South Los Angeles Station	Admin. Invest.? ☐	Hit? ☐

Incident Information

URN: 912-06273-0370-051	Date: 07-22-12 Time: 2154 hours
City or Station: South Los Angeles Station	Nature of Incident: (see narrative)
Location: Baring Cross St. / Century Bl., Los Angeles	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled), Other: ______

Lighting (*circle only one*): Darkness, Daylight, Other, **Street Lights** (circled)

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance: 45'

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), **Fleeing Suspect** (circled), Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation** (circled), One Person Unit, Other, Search Warrant, **Two Person Unit** (circled)

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit? ☒	Canine Unit? ☒
7	Unknown		

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	[redacted]	[redacted]		EM **PM** (circled) Day	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.			
(None)					
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	
Last Name	**First Name**	**M.I.**			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	
Last Name	**First Name**	**M.I.**			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Hayes	Patrick		**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
	N/A		

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Lawrence	Robert	

PSTD Use Only
SH # ______________

SH-R-438A rev. 3/07

See Reverse

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
07-23-12	0050 hours		

Employee #	Last Name	First Name	M.I
[redacted]	Denison	Trent	
[redacted]	Allen	Victor	
[redacted]	Libertone	Patrick	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S	E	UC					NN	
S	E	FH	GL	9			NN	
E	S	FH	BR	9	Y	Y	NN	

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 912-06273-0370-051

Involved Employee

E 1

Employee # [redacted]	Last Name: Marquez	First Name: Damian	M.I.
Sex: M Race: H	Rank: B-1	Unit Assignment: OSS	Work Assignment (Unit #, Module, etc.): OSS G-10
ShiftTime (*circle only one*): EM PM Day [PM circled]	ShiftType (*circle only one*): Regular Overtime Off Duty [Overtime circled]	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest [Raid Jacket w/ Vest circled]	Other Factors:
Age: [redacted] Height: 5' 11"	Weight: 220lbs		
Range Qualification Date: 01-04-12	PPC Qualification Date: 08-2010	Laser Training Date:	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9mm # Shots: 7	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 912-06273-0370-051

Suspect Information

S 1

Last Name: Unknown - Not in custody | First Name: | M.I.:

AKA Last Name: | First Name: | M.I.:

Sex: M | Race: Black | Street Address: | City | State & Zip Code:

Work Phone: | Home Phone: | Social Security #: | Driver's License #:

Age: 20's | D.O.B. | Height: 5'05" | Weight: | FBI # | CII #

Booking # | Primary Charge: 664/187 P.C. | Secondary Charge:

Coroner Case? [ ] | Coroner Case # | Intoxication/Drug Usage? [ ] | Substance Used:

Armed? [X] | Apprehended? [ ] | Mental Illness? [ ] | Criminal History? [ ]

Vehicle Make: Jeep | Model: Grand Cherokee | Year: 1994

S __

Last Name | First Name | M.I.

AKA Last Name | First Name | M.I.

Sex: | Race: | Street Address: | City | State & Zip Code:

Work Phone: | Home Phone: | Social Security #: | Driver's License #:

Age: | D.O.B. | Height: | Weight: | FBI # | CII #

Booking # | Primary Charge: | Secondary Charge:

Coroner Case? [ ] | Coroner Case # | Intoxication/Drug Usage? [ ] | Substance Used:

Armed? [ ] | Apprehended? [ ] | Mental Illness? [ ] | Criminal History? [ ]

Vehicle Make | Model: | Year:

S __

Last Name | First Name | M.I.

AKA Last Name | First Name | M.I.

Sex: | Race: | Street Address: | City | State & Zip Code:

Work Phone: | Home Phone: | Social Security #: | Driver's License #:

Age: | D.O.B. | Height: | Weight: | FBI # | CII #

Booking # | Primary Charge: | Secondary Charge:

Coroner Case? [ ] | Coroner Case # | Intoxication/Drug Usage? [ ] | Substance Used:

Armed? [ ] | Apprehended? [ ] | Mental Illness? [ ] | Criminal History? [ ]

Vehicle Make | Model: | Year:

S __

Last Name | First Name | M.I.

AKA Last Name | First Name | M.I.

Sex: | Race: | Street Address: | City | State & Zip Code:

Work Phone: | Home Phone: | Social Security #: | Driver's License #:

Age: | D.O.B. | Height: | Weight: | FBI # | CII #

Booking # | Primary Charge: | Secondary Charge:

Coroner Case? [ ] | Coroner Case # | Intoxication/Drug Usage? [ ] | Substance Used:

Armed? [ ] | Apprehended? [ ] | Mental Illness? [ ] | Criminal History? [ ]

Vehicle Make | Model: | Year:

See Other Side